IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1143 OF 2004

Mahadeo Baburao Tangade. ..Appellant.

V/s.

The State of Maharashtra. ..Respondent.

Mr.R.C.Makhija, advocate for appellant.

Mr.K.V.Saste, APP for Respondent.

CORAM: A.M.KHANWILKAR,J
DATE : NOVEMBER 21, 2006.

P.C.:

1. It appears that the advocate on record for the appellant had received communication from the appellant, who is in jail that he should withdraw his appearance. Pursuant to that intimation, advocate on record sent letter to the Registrar(Judicial) on 21st September, 2006 bringing that fact to the notice of the Registrar to take immediate and necessary steps. The Registrar should have acted upon the said letter with promptitude. Because of the inaction of the Registrar(Judicial), today the matter is required to be adjourned-though it is ready in all other respects. The Registrar could not have been oblivious of the fact that the appellant is in jail and the present appeal has been preferred through jail. Such matters have to be given high priority by the office, as there is no one to pursue the cause of

such accused.

2. Office to explain cause for the inaction, which has resulted in this adjournment. Place this matter on 27th November, 2006 as per its turn.

3. Office shall ensure that another advocate is appointed as amicus curiae by tomorrow i.e. 22nd November, 2006, so that the said advocate would get sufficient time to prepare this brief.

4. Explanation to be offered to be placed before the Court on 27th November, 2006.

5. After sometime, Mr.Makhija appeared in Court and mentioned this matter. He has brought to my notice that the appellant has sent statement given before the jailor on 11/11/2006, whereunder he has clearly mentioned that he is not interested in pursuing the present appeal as the remaining sentence period is only 2-3 months. Copy of the said statement duly signed by the appellant in the presence of Jailor, Kolhapur Central Prison has been produced. Copy of this statement has been received by the advocate Mr.Makhija from jailor, Kolhapur Central Prison alongwith the covering letter

addressed to him dated 11/11/2006. The original copy of the said covering letter as well as said statement and the envelope, as received by the advocate Mr.Makhija which are produced are taken on record. It is seen that the appellant is not interested in pursuing the present appeal. As a consequence, appeal is disposed of as not pressed.

6. Copy of this order be sent forthwith to the Accused, who is in Kolhapur Central Prison, Kalamba.

7. In case, the order of dismissing the appeal as not pressed is unacceptable to the accused, it will be open to him to get the matter revived within reasonable time from the receipt of such communication.

8. In so far as other observations made with regard to the inaction of the office in taking necessary steps, that explanation be offered. The appeal will be listed under caption "direction" on 27th November, 2006 for that purpose.